

PTO/SB/64a (05-03)

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))</b>	Docket Number (Optional)  509982001200
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First named inventor: . Xinhui NIU, et al.

Application No.: 10/051,830

Art Unit 2121

Filed: 01/16/02

Examiner: Not assigned

Title: GENERATING A LIBRARY OF SIMULATED-DIFFRACTION SIGNALS AND HYPOTHETICAL PROFILES OF PERIODIC GRATINGS

**Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916**

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MAY 02 2003

## PETITIONS OFFICE

**NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.**

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)

### 1. Petition fee

Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1300.00 (37 CFR 1.17(m))

**2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is January 13, 2003.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file, (or by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Any comments  
for, U.S. Patent  
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PTO/SB/64a (05-03)

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**STATEMENT:** The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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May 2, 2003

Date

Telephone

Number: 415-268-6373Peter J. Yim (Reg. No 44,417)

Signature

Peter J. Yim

Typed or printed name

425 Market Street

Address

San Francisco, CA 94105-2482Enclosures:  Fee Payment

- Additional sheets containing statements establishing unintentional delay
- Other: Fax cover sheet 1 pg.; transmittal 1 pg.; fee transmittal (in duplicate)

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 2, 2003

Date

Janet Hollrah

Signature

Janet Hollrah

Type or printed name of person signing certificate

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# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,300.00)

## Complete if Known

Application Number	10/051,830
Filing Date	January 16, 2002
First Named Inventor	Xinhui NIU
Examiner Name	To Be Assigned
Group Art Unit	2121

Attorney Docket No. 509982001200

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## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None  
 Deposit Account

Deposit Account Number 03-1952

Deposit Account Name Morrison &amp; Foerster LLP

The Commissioner is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments Charge any additional fee(s) during the pendency of this application Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

MAY 02 2003

PETITIONS OFFICE

Large Ent	Small Ent	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	
1051 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$0)			
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1401 320	2401 180	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	1,300
1504 1,300	2504 650	Utility issue fee (or reissue)	
1505 470	2505 235	Design issue fee	
1506 630	2506 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(d)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.128(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.128(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	\$1,300.00

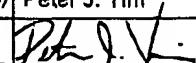
## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	- **	=	
Independent Claims	- **	=	
Multiple Dependent		=	

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$0)			

\*\* or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Peter J. Yim	Registration No. (Attorney/Agent)	44,417
Signature		Telephone	(415) 268-6373
		Date	May 2, 2003

Please type a plus sign (+) inside this box → PTO/SB/21 (08-00)  
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# TRANSMITTAL FORM

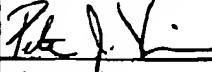
(To be used for all correspondence after initial filing)

Total Number Of Pages In This Submission	5	Attorney Docket No.	508882001200
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## ENCLOSURES (check all that apply)

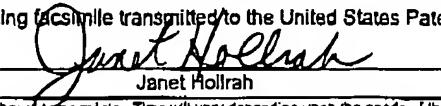
<input checked="" type="checkbox"/> Fee Transmittal Form w/duplicate copy for fee processing (2 Pages)	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition (2 Pages)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Return Receipt Cover
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>FAX RECEIVED</b>
<input type="checkbox"/> Information Disclosure Statement (3 Pages)	<input type="checkbox"/> Request for Refund	<b>MAY 02 2003</b>
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<b>PETITIONS OFFICE</b>
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<b>Remarks</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Peter J. Yim (Reg. No. 44,417) Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482
Signature	
Date	May 2, 2003

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 2, 2003.

  
Janet Hollrah

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**MORRISON & FOERSTER LLP**

Attorneys at Law  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

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**From:** Peter J. Yim

**Date:** May 2, 2003

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**Comments:**

**DOCKET NO.: 509982001200**

**GROUP ART UNIT: 2121**

**EXAMINER: To Be Assigned**

**SERIAL NO.: 10/051,830**

**FILING DATE: January 16, 2002**

**INVENTOR(S): Xinhui NIU and Nickhil JAKATDAR**

**TITLE: GENERATING A LIBRARY OF SIMULATED-DIFFRACTION SIGNALS AND HYPOTHETICAL PROFILES OF PERIODIC GRATINGS**

**Papers attached:**

1. Transmittal (1 Page)
2. Fee Transmittal w/duplicate copy for fee processing (2 Pages)
3. Petition For Revival of an Application For Patent Abandoned For Failure To Notify The Office of a Foreign or International Filing (2 Pages)
4. Facsimile Cover Sheet